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July 23, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: *Connect America Fund*, WC Docket No. 10-90
Ex Parte Presentation**

Dear Ms. Dortch:

On July 6, 2018, the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology released an Order in the above-referenced proceeding (the “*Bureau Order*”).¹ The *Bureau Order* purports to “establish a uniform framework for measuring the speed and latency performance for recipients of high-cost universal service support to serve fixed locations.”² Viasat continues to review the substance of the *Bureau Order* as it relates to Phase II of the CAF, but provides the following initial views.

As an initial matter, the obligations imposed by the *Bureau Order* may have significant implications for the costs of providing supported services and compliance. The *Bureau Order*, while ostensibly attempting to clarify the measurement standards that will apply to support recipients, actually creates additional uncertainty as to what those standards are and how parties impacted by them will be required to comply.

In particular, aspects of the *Bureau Order* are underspecified—a fact that the *Bureau Order* itself acknowledges. For example, the *Bureau Order* notes that WCB will provide “further guidance by public notice on consumer selection and data collection” at some unspecified future point in time. The *Bureau Order* leaves open the possibility of still more, unknown measurement requirements and data collection obligations, which could be both onerous and objectionable. Under these circumstances, anyone using satellite broadband to provide CAF II supported services, that is or could be subject to the *Bureau Order* requirements, must make certain reasonable assumptions in order to resolve ambiguities in the *Bureau Order*.

¹ *Connect America Fund*, Order, DA 18-710, WC Docket No. 10-90 (rel. July 6, 2018).

² *Id.* ¶ 1.

The *Bureau Order* requires testing of the Mean Opinion Score (“MOS”) associated with satellite voice service using “conversational” protocols under real-world conditions and in accordance with ITU-T Rec. P.800.³ However, ITU-T Rec. P.800 was designed for a controlled laboratory environment and was *not* intended for “real world” conversational testing. The *Bureau Order* thus applies the ITU Recommendation in a new manner—one that can be expected to include a number of variable testing conditions that otherwise would be controlled under the ITU protocol. These variables could be outside the control of the network provider and could affect the results of the test. For example, by requiring testing at actual end-user service locations, the *Bureau Order* introduces the variables of background noise and user-provided telephone equipment.

Furthermore, Viasat notes that the *Bureau Order* calls for third-party measurement of the MOS—even though third-party measurement is *not* required for any metric other than the MOS, or for any technology other than satellite. More specifically, the *Bureau Order* allows CAF II providers to self-test whether they satisfy applicable broadband speed requirements, but does *not* provide the same flexibility with respect to MOS measurements. The *Bureau Order* provides no justification for this distinction. Notably, the third-party testing requirement applicable to the MOS imposes a significant and disparate impact on satellite providers—a result which is inconsistent with foundational principles of competitive and technological neutrality.

In short, at this point in time, anyone using satellite broadband to provide CAF II supported services, in whole or in part, cannot fully know what set of measurement standards will be used to evaluate their services.

Respectfully submitted,

/s/

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³ *Id.* ¶ 44.